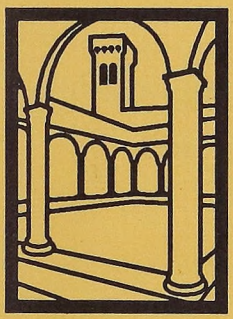

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Muslims in Europe: A new Identity for Islam

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European University Institute, Florence

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EUROPEAN UNIVERSITY INSTITUTE, FLORENCE

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Muslims in Europe: A new Identity for Islam

By Michael KING

SUMMARY

This paper arose out of ideas generated in the E.U.I. Workshop on *Muslim Families in Europe* which took place in October 1992. The presence in European countries of several million Muslims, most of whom have arrived during the last thirty years from countries where social life is organized in ways which accommodate Islam as the predominant, if the not the official state, religion raises serious questions of adaptation. What is considered here are two such processes of adaptation. The first is the way that the religion of Islam, when confronted with a secular social environment where the values of rationality and individualism prevail, is forced to produce social identities for its adherents which reduce in importance (or even deny) any notion of faith as offering a uniquely religious, spiritual experience. The production of the concept of 'The Muslim Family' is referred to as an example of this first process of secularization. Secondly, the paper demonstrates how Islam is transformed into something other than religion when it enters into the semantic realm of and is reconstructed by other social systems, such as law, politics and health.

The paper draws upon sociological theories which emphasise both the evolutionary nature of society, the function of social systems and the processes through which knowledge and reality are constructed. It pays particular attention to the ideas of Niklas Luhmann as set out in his book, *Funktion der Religion*. These theoretical concepts are applied to the evolution of Islam as it enters the modern world.

Muslims in Europe: A new Identity for Islam[1]

By Michael KING

The essence of the Qur'anic and the prophetic teaching is based upon willingness to abandon the world and all attachment to it and, indeed, to experience 'death' before biological death. The Prophet said: "Die before you die", meaning transcend all sense and reason.
Shaykh Fadhlalla Haeri, *The Elements of Islam* (1992)

INTRODUCTION

The original idea of this paper on the complex subject of law and religious identity arose from the papers and discussions at the Workshop last October on *Muslim Families in Europe*, which I am now in the process of editing for publication[2]. While the Workshop was deliberately narrow in its scope and untheoretical in its approach, it did raise several difficult issues of a general nature concerning religious identity in modern Western societies and the encounters between traditional religions and modern social institutions, such as law. In purely practical terms the very recent phenomenon of over five million Muslims moving to and settling in Europe has already caused serious problems for Western liberalism as the ambivalent response to the Rushdie affair has demonstrated.

If one sees the encounter between Islam and the West as a battle between two irreconcilable value systems, it is difficult to understand how Muslims would be able to exist as 'Muslims' in Western countries without building an impenetrable wall around themselves and their beliefs. Indeed there appears to be a paradox in very existence of large numbers of people in Europe who, on the one hand, seem increasingly to prefer to emphasise the cultural/religious identity of Islam over national or linguistic identities and, on the other hand, seem able for the most part to integrate themselves successfully into European society. This should lead us to question the rather simple idea of 'two worlds' at least as a model for analyzing what is happening to Muslims and Islam in Europe.

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[1] I am especially grateful to the European Commission and to the European Culture Research Centre at the EUI., Florence, whose generosity made this research possible. I should also like to thank Uli D'Oliveira, Emile Noël, Anton Schütz and Gunther Teubner for their suport and encouragement.

[2] A book based on the Workshop proceedings will be published by Grey Seal Publications in 1994.

The problem starts with the attempts by social theorists to construct a unitary, comprehensive notion of European or western Society and to juxtapose this with another unitary and comprehensive construction called, 'Islam'. This is not to say that these 'two worlds' do not exist, but rather that such an approach cannot account for the dynamic nature of social institutions and social relations and it is this dynamism which is of vital importance if we are to understand what is happening to the Islamic identity. It is certainly true that modern western society is characterised by secularism with its emphasis on rationality, humanism, personal responsibility and individualism and that these attributes pervade all areas of social life, but within this generalized philosophical frame exist several different social meaning systems all involved in interpreting, in making sense of the chaos or 'noise' of the social world. In modern societies these meaning systems have developed into separate, functionally-specific institutions of, for example, science, economics, law, health, politics and religion. This is not simply a matter of each explaining the social world in their own terms or their different perspectives on social phenomena. Rather each can be seen as constructing its own version of reality according to its own procedures for truth validation. This fragmented epistemic world of modern societies contrasts with traditional societies where a single version of truth and reality tends to pervade all areas of knowledge and where social divisions tend to be based on stratification such as race and class rather than functions [Luhmann,1986,p.5ff]

In this paper I first want to examine the idea of a distinct Muslim religious identity, which was claimed by several speakers at the Florence Workshop and emerges in many of the contributions to the collection of Workshop papers. Let me take as my starting point the contrast between the fixed and unchanging notion of Islam, as both a religious faith and a code of conduct covering almost every aspect of private and public life, that was presented by Abdel Hamid Chirane and Manazir Ahsan and by Lawrence Rosen's anticipation of the emergence of 'a distinctive European Muslim culture'. Both these positions have their resonances in the idea of an Islamic identity. On the one hand there is the traditionalist view which would accept as Muslims only those who had been brought up in the faith or had openly recognized God's uniqueness and Mohammed as his messenger. It would reject as Muslim all those who had renounced or abandoned their faith or forfeited their right to be called 'Muslim' through marrying a non-believer or living their lives in clear contradiction of Muslim law. On the other, there exists a very different notion of a Muslim identity where Islam and 'being Muslim' represent an aspect of *'self'* for all those rational, free individuals who live their lives in the modern, secular world. Here religious

identity does not depend upon recognition by others or conformity to rules imposed by some external authority; it is rather something accepted and projected by the individual. Thus Muslim women who marry non-Muslim men may continue to refer to themselves as Muslim and to expect others (except the most orthodox Muslims) to accept this part of their identity.

It was such ambivalences in the definitions of personal identity and social identity and the relations between the two that led me to re-examine the idea of religious identity as a process of evolution undertaken by religion itself, rather than as merely an artefact of individual or social discourses. That this evolutionary process is determined by the social environment (including people) in which and upon which religion has to operate is the major factor in deciding what identities religion produces for its adherents and for society and its sub-systems.

My paper traces this quest for a way of understanding religious identity first by examining briefly the modern notion of identity, then by analyzing in much more detail the identity that religious systems construct for themselves in response to societal problems. I take the example of Islam, not because it is in any way unique among the world's religions, but because the abruptness of its transportation into modern Western societies makes its evolution all the more dramatic and sudden and all the more interesting for students of religion and religious identity. The section headings are

Identity in the Modern World
The social Identity of Religion
The Evolution of the Religious Identity of Islam
Religion in Modern Society
Religion and the Family
The Construction of Religion as a Secular Identity
Islam and Modern Law
The Reconstruction of religion within Religion

IDENTITY IN THE MODERN WORLD

1. Generally, within modern, secular societies 'an identity' is seen as something which allows one to present oneself as a member of a socially recognized group, whether religious, cultural, national or political. It is often seen as an essential aspect of the social being. Having a consistent identity, a knowledge of who you are and where you stand in relation to different social groups has been seen on the one hand as a positive attribute, essential for facilitating socialization

and integration within through the internalization of 'the other' and the internal representation of 'the self' as seen by the other [Mead 1934]. Moreover, the belief that others think and act like you, sharing your beliefs and attitudes also has a positive role to play in promoting self-confidence, self-awareness and self-fulfilment. A person without such a clear identity is often presented in modern Western culture as *l'étranger*, the outsider, lacking any clear sense of 'self', unattached to any social group, alienated from everyone and everything in the social world where he or she exists.

However, this is an important aspect of the modern notion of identity which contrasts markedly with traditional societies where identities were and are largely acquired through birth (family, national and regional) and may be changed only in exceptional circumstances. In the modern world not only may they be selected by adults during their lifetime, but changing fundamental aspects of the self one presents to the external worlds is quite common place. A person may, for example, change their name, chose to become the citizen of another country, undertake a religious conversion or a sex-change operation. Although there may be questions as to how 'real' such changes are, for all official purposes a person may insist upon his or her acquired identity by, for example, demanding rights of citizenship or insisting that his/her children attend a religious school. Increasingly, a 'healthy society' is seen as one where individual rights are respected, including the right to make choices concerning the they want to be described by others, at least in terms of nationality, religion and gender. In Anglo-Saxon countries this freedom is even being extended to children, who may now, in certain circumstances, choose to change their family identity, that is the family with whom they identify.

2. Conversely, identities which are imposed upon a person without his/her consent and form the basis for differentiation between people and for distributing resources are seen, as a denial of human rights. An 'unhealthy society', such as existed in South Africa, therefore, is one which uses attributed identity as a means of denying to individual the freedom to choose their self-identity. Where, those features of the individual which are immutable or extremely difficult to change, such as skin colour, certain physical features associated with ethnic or racial groups or gender are, selected for special attention by governments as defining the person, liberal and egalitarian political movements are likely to emerge demanding an end to such discrimination and stratification along racial or ethnic lines and the forced imposition of identities

3. In the modern world an individual may simultaneously have more than one identity, provided that these identities are compatible and provide that person with both a coherent notion of a unified 'self' and an attachment to one or more external group which are also compatible. Problems arise when the 'self' is fractured into different belonging identities to the point where the individual does not know where he or she really belongs or who he or she *really is*. This is described as an 'identity conflict' or 'an identity crisis'. There are also dangers lurking where an person belongs to two or more incompatible groups giving rise to 'conflicts of loyalty'. Sometimes these two forms of conflict are seen as afflicting one heroic individual who is 'at war with him or herself' and at the same time being forced to betray one of the groups to which he or she belongs. These conflicts tend to excite considerable interest. T.E. Lawrence is an example of archetypal modern hero in conflict with himself, or rather with his two identities. After leading the Arab Revolt against the Turks in North Africa, while dressed as a Bedouin and for several years enduring a nomadic existence in the desert, Lawrence returned to England. There, he endured the betrayal of his Arab allies abandoned by the British Government for reasons of political expediency. He also experienced a profound crisis of identity, when he discovered the Bedouin identity that he had chosen to adopt, had soured his belief in English society and its values. What makes Lawrence interesting from our perspective is not so much the way that his heroic exploits and subsequent retreat from public life succeeded in capturing the imagination of many millions of people in the Western world, but the fact that Lawrence saw himself and was portrayed by his several biographers as a man caught between two worlds.

> ... the effort for these years to live in the dress of Arabs and imitate their mental foundation, quitted me of my English self, and let me look at the West and its conventions with new eyes: they destroyed it all for me. At the same time I could not sincerely take on the Arab skin: it was an affectation only. Easily was a man made an infidel, but hardly might he be converted to another faith. I had dropped one form and not taken the other ... (Lawrence, p.31-2)

Lawrence was seen as an individual caught in the 'no man's land' between two incompatible identities, two permanent insurmountable barriers, which denied any possibility of movement either forward or backward. His subsequent attempt to bury himself and his past by becoming Air craftsman Shaw and Private Ross were seen the only escape route open to him. Yet there is also a sense in which the Lawrence story can be seen as a modern parable demonstrating the price to be paid when an individual steps beyond boundary of those identities that were acceptable by his society. In British society of the

1920s the identity of an Englishman in an 'Arab skin' clearly was not acceptable, even as a transitional identity. It was only valid as a disguise, a false identity, taken on with the sole purpose of outwitting an enemy.

4. Although the psychological literature on social identity has traditionally been concerned with the way that *individuals* come to see themselves as belonging to specific social groups, more recently, both psychologists and sociologists have written about the way in which people construct their own social worlds and themselves, their personal identity, within that world. Yet this identity is not constructed from thin air. There must be a sense in which it was its existence pre-dates any individual construction[1]. As Thomas Luckmann, one of the early exponents with Peter Berger of the constructivist school of the sociology of knowledge [Berger and Luckmann, 1967] explains,

> Except for bodily functions, lusts, and pains, the individual does not experience himself directly; what he does experience directly is a structured and changing environment...
> Personal identity is inter subjective and has a situational biographical dimension. [Luckmann, 1987 p.374]

Yet he then goes on to tell us how

> ...One of the most important characteristics in modern societies is the segmenting of the total structure into institutional domains which are organized to meet the main requirements of separate functions... This means that the norms of behaviour inherent in one system at any one time are not directly transferable to other component systems. The structures of meaning belonging to different component systems are not related to personal identities but to institutions (p.376)

In modern societies social institutions are, according to Luckmann somehow failing in their responsibility of producing the conditions for the individual to construct a concept of 'self' that serves to situate him or her in the general social structure. As a result, people are seen as experiencing 'no common reality' and 'no socially produced stable social structure of personal identity', but are presented instead with several competing, incompatible meaning systems with no bridge between them and no arch to frame them. According to Luckmann, what this means is that each person has to face up, in his or her own subjective and private way (p.379), to the task of achieving for

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[1] Berger and Luckmann (1967) tell us that 'Identity is a phenomenon that emerges from the dialectic between individual and society`, but that 'identity *types* ... are social products *tout court*`. (p.174)

himself and herself a 'stable, personal identity'. How we do this, according to Luckmann, is then a matter of personal choice. The individual will receive little help in that choice from the social world which he or she lives and works, because modern institutions produce role-performers valid only within these systems of meaning rather than the cohesive and comprehensive notion of 'self' that were produced by traditional societies. On the other hand, it would appear that, according to this account, individuals are free to choose whatever identity pleases them and, in doing so, are presumably allowed to fulfil their own personal desires and ambitions and yet, the absence of a 'total social structure' makes the exercise of this freedom empty and meaningless exercise.[1]

5. How are we to reconcile these different versions of the identity problem? Is it really the case that modern society provides fixed points, beyond which individual identity cannot without being forced beyond the limits of what is socially acceptable? If this is so, how is it possible that new identities are constantly being produced in the modern world. Far from being solid and fixed, the barriers surrounding individual choices of identity appear to be in continual state of flux. Alternatively, are we to be left with Luckmann's paradox of individuals who are free to 'be themselves' only to find that the selves that they construct have no general social validity and only serve them in narrow social situations. However, while Luckmann's paradoxical state might take us closer to the subjective experience of life as lived, is it really the case that modern societies provide no generalized identities leaving the confused individual with no solution but to find a good psychoanalyst to help him to find out who he/she really is or can become? For the purposes of this article I would not want to offer any definition of 'identity' other than that of *self-image*. Instead, I would suggest that we can speak of the existence of an individual identity wherever there is conceptual notion available which allows a person to place him or herself within the prevailing environment and to differentiate him or herself from that environment. A social identity for our purposes will exist when such a notion is generally recognized within a specific society.

Identity and Religious Experience

In my discussion of religion I start from the assumption that there exists at both the sociological and psychological levels some experience which is essentially religious. This does not mean that the experience has necessarily to be associated with the existence of a

[1] I would take issue with Luckmann's denial of any 'stable structure of personal identity' by arguing that the social production of the notion of 'the individual' provides just such a structure.

superior being, but rather that it transcends rationality and the 'normal' range of feelings and provides individuals and groups of people with the sensation that they are engaged in a communion either with their own 'inner selves' or with some spirit or existence beyond the material world in which they live out their everyday lives.

I am not saying that this experience is always interpreted socially in a conventionally religious way. As Aldous Huxley, Timothy Leary, Ronald Laing and many others have shown, it may be taken as evidence of some spirit or force quite remote from monotheistic religion. Nor does the experience have to be accessible only through such formally religious activities, as praying, fasting, chastity, witnessing miracles or, martyrdom. However, it has usually been religion which has been called upon to make sense of these transcendental or spiritual events and to give guidance on how experiences of 'oneness' and communion with the inner self or external being may be achieved by the individual. It has also been formal religious institutions which are called upon to decide whether contingent experiences of this nature are or are not 'genuine'[1].

The acceptance by societies of the existence of religious experience is absolutely central to the development of religious dogmatics as is the notion that this experience can only be achieved by following certain accepted paths. If this were not the case, then religion would have no separate social identity; it would not be able to differentiate itself from law, morality, politics, economics etc. For religious individuals and organizations, which inevitably engage in legal, moral, political and economic activities, it is only the unquestioning acceptance of religious experience, the use of *faith* as the ultimate legitimator which allows them to claim that their involvement in these activities is indeed 'religious'.

For Muslims the very meaning of the word, 'Islam', *submission* reminds them of the fundamental importance of faith. The verses of the Koran abound with references to the necessity of acceptance of God and God's word without doubts and without questioning and to the fate that awaits those who turn their back on an unwavering belief in God[2].

From the perspective of the sociology of social identity production what is particularly interesting is the guidance given in Islamic

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[1] Bernard Shaw's play *St. Joan* offers an interesting debate on the legitimation of religious experience. Ultimately it is the Catholic Church, and not the pragmatic English army, which has formally to declare Joan's voices to be false.

[2] See e.g. *Koran*, 6:137 10:17, 10:39, 15:2.

scriptures and commentaries for Muslims to achieve a state of self-knowledge and purity of heart which denotes religious perfection that brings the individual to simultaneous communion with the inner-self and the universe. As the quotation at the start of this article indicates, what this requires is a total denial of oneself as an individual, a merging of oneself with the universe, a death before biological death, the absence of any differentiation between the self and the environment.

THE SOCIAL IDENTITY OF RELIGION

According to anthropological studies, in traditional societies it was religion which both provided the individual with a generalized identity and also limited severely the identities which anyone could legitimately adopt [Mol,1976]1. As one might expect social psychologists have tended to turn this round by presenting religion as answering certain human needs relating to peoples fears and uncertainties and the need to account for inexplicable events (See e.g. Batson, 1982). A number of sociologists, also influenced by both these lines of enquiry have transferred this notion of need from the individual to society by examining the functions religion plays through ritual, prayer etc. in structuring people's lives and in legitimating certain forms of behaviour, usually associated with the exercise of power [Weber,1963; Beckford,1982]. Others, such as Durkheim, have emphasised the cohesive force of religion for individuals as well as for societies (See Pickering, 1984) or the fit or non-fit between different religions and the needs of capitalist societies [Weber,1963]. Yet none of these approaches has been able to arrive at a concept of religious identity which reconciles in a satisfactory manner any notion of the evolution of religion in different social environments or any description of the ways in which the meaning of religious identity may be transformed by the social system and social subsystems which it encounters.

One way to deal with this problem of religious identity is to change the orientation of the problematic away from the predicament of the individual. This is precisely what Niklas Luhmann did when in his book, *Funktion der Religion* [Luhmann, 1984], he examined the issue of religious identity. Luhmann refuses to accept the concept of the individual, that transcendental subject of post-Enlightenment Europe, as the starting point for sociological enquiry. He sees identity as a problem not so much for the individual as for evolving

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1 Hans Mol goes so far as to describe religion as the 'sacrilization of identity' [Mol, 1985]

societies and social sub-systems. The identity problem for religion as a social subsystem concerns, for example, how to differentiate itself from other social subsystems and a social environment which is in a continual state of change, while at the same time influencing the environment in ways that will ensure its own survival and continued influence. The processes which evolve within religious organizations to solve these problem will decide what form religions and religious identities take in different societies. This in turn will determine what possibilities are open for people living in that society to situate 'the self' and interpret their own behaviour and the behaviour of others. In the remainder of this piece I shall attempt to trace Luhmann's ideas and to apply them to Islam and the identity problems it faces as a social subsystem in the modern world. By approaching the issue in this way it should be possible to throw some light on the contradictions that seem to be implicit in the notion of a European Islam and more generally in the concept of a secularized religious identity.

Religion as a Social System of Communications

1. In order to understand Luhmann's ideas on religious identity, it is necessary to examine briefly some of the concepts essential to his general theoretical approach to the social evolution of systems. In the first place Luhmann sees society, not as a collection of human beings, but as communicative acts and social systems. They are, therefore, systems consisting, not of people, but of communications. Individuals have their separate existence as psychic or personal systems, but for social systems they are part of the environment in which the system operates and which it attempts to influence by its communications. Since systems can consist only of communications through which meaning is generated, people affect systems only to the extent that their communications (utterances, acts, writings etc.) take place within and are thus interpreted by these diverse meaning systems. Each of these systems is involved in a continuous process of interpreting or reconstructing the social environment (including society and all its subsystems) in ways which make sense on its own terms.

As a general rule, the success or failure of systems in differentiating themselves from their environment is crucial to the systems survival. This is achieved through the process of reduction of complexity by selectivity. The environment is always more complex that the system, giving rise to infinite possibilities for interpretation. Any particular subsystem, in order to produce and reproduce its own world of meaning, must select from the environment those inputs which it will reconstruct on its own terms. As society becomes more (or less)

complex, so each sub-system is obliged to respond by producing more (or less) complex reconstructions of that society

This imposition of selective meanings of society within different subsystems occurs through a process of binary coding, for example, lawful/unlawful for law, power/no power for politics, profit/loss for economics, sick/healthy for health systems, true/false for science. Meaning is produced through the affirmation or negation of statements using this binary code. The fact that in any communicative exchange is accepted as offering the possibility of an affirmation or a negation of a proposition as a basis for further interaction binds future exchanges to a particular system of interpretation. By producing meaning for themselves and for their environment social systems are able simultaneously to evolve an autonomous existence and to guarantee their future within their social environment. For Luhmann, therefore, it does not make any sociological sense to examine a religion except in the context of the social environment in which it exists. 'One cannot select an identity for a system without at the same time selecting a relevant environment and vice versa' [Luhmann, 1984, p.48].

The introduction of writing, and later printing, expanded the possibilities for communication beyond face to face interaction and resulted in the development of additional code mechanisms which Luhmann calls *symbolically generalized communications media*. These allow the transmission of systems-generated meanings across a wide variety of situations and for many different communications. They include love, truth, power, and faith.

An important aspect of social meaning systems is their self-referential nature. Because the code used by each system reconstructs the environment is unique, relating as it does to the system's social function, all communications taking place within the system must refer back to previous communications of that system. Systems, therefore, reproduce themselves from their own elements. Moreover communications cannot pass directly from one system to another. Systems may of course interpret (reconstruct) the same social event in their own particular ways, but any communications between them concerning this event must take the form of an *interference*, that is, of one system reconstructing the other's communications in its own terms.

2. Applying this general theory specifically to religion as a social system, the task of religion is then to construct the social environment in religious terms, providing its own interpretation of the social environment in which it exists. As Peter Beyer, the

translator of one of the chapters of Luhmann's *Funktion der Religion*, - *Religiöse Dogmatik und gesellschaft Evolution* - writes in his explanatory introduction,

> It is not simply a question of accommodation by religion to modern society; it is also a question of reformulating the complete system/environment relation from the perspective of religion [Beyer, 1984, p.xix]

Religion, therefore, cannot produce anything other than religious communications, and is programmed to reconstruct legal, political, scientific etc. communications in religious terms. This does not mean, of course, that every time a religious cleric speaks, he or she is uttering a religious communication or that religious leaders or organizations never become involved in political or economic matters. Indeed, religious organizations and leaders may apply the linguistic codes of other social systems to themselves and their own operations. This, as we shall see, is one aspect of secularization.

3. Social theorists who wish to understand religion as a social system must not simply reduce it to the state of a superstition or a collection of rituals; they need to examine it on its own terms, i.e. as religion. In the same way, they should not proceed by imposing sociological, psychological or political definitions upon it, since to do so is to deny the existence of religion as having meaning for itself. Much of Luhmann's account, then, is concerned with the problems faced by religious systems, notably Christianity, in differentiating itself from the environment of modern societies and in reconstructing this environment in terms which simultaneously make sense for religion and allow religion to influence that environment in ways that will ensure its own reproduction. Indeed, much of Luhmann's analysis is almost theological in its concern to understand such controversial issues as the evidence for God's existence and the validity of revelationary claims.

4. At the same time, it is not sufficient for social theorists to confine their analysis to the theological level. They must be simultaneously aware of the systemic nature of religion and of the functions it performs for society. Although Luhmann is unwilling to limit religion's functions by describing them in any comprehensive manner, he deals specifically with one particular function; this is to relieve society of its contingency problems caused in particular by disappointments and unfulfilled expectations by 'managing the inevitability of contingency' [Beyer,1984, p.xxxxiv][1]. Contingencies

[1] A recent example would be Sadam Hussein's use of the idea that Iraq was engaged in a *jihad* or holy war against the West during the Gulf War, which

give rise to a wide range of possible explanations including those that may be damaging to the continuance of the social system. Although religion may not always be able to relieve anxiety and disappointment and explain the unexpected, it should at least be able to interpret them in ways which make them appear determinable or at least provide some way of understanding their indeterminability. As Luhmann states,

> This functional way of conceiving religion goes beyond the familiar controversy as to whether religion relieves anxiety and uncertainty or whether it generates them to begin with. Both are in a certain sense correct. *Religion reformulates the conditions for insecurity.* It thereby makes an increase in acceptable insecurity possible. (1984, p.8 italics added)

The problem of indeterminacy is thus *sacrilized*. Examples of this process are the creation of taboos of 'weak points in the social order, of transitions, ... of anomalies.' (p.9) The issue of how this function of transforming indeterminate complexity into determinate complexity is to be performed, Luhmann admits, is too abstract and general a concept to tell us much about the variety of religions or the limits to the variations that can exist. As we have seen, Luhmann does not subscribe to the view that one can characterize religion by reference to a single social function. Instead he proposes a systems-theory analysis which admits the possibility that religion, like every other social system, including society, has more than one problem to solve and must therefore fulfil more than one function. Any theory of functional systems, he argues, 'must go beyond the mere cataloguing of functions and dysfunctions' (p.12) to look, for example, at problems of processing information, problems of representing the world and the immediate social environment, problems of differentiation of itself from other systems and from the environment, problems with the use of the medium of faith. All these need to be considered in any analysis of religious dogmatics and the evolution of religious identity within different social environments.

THE EVOLUTION OF THE RELIGIOUS IDENTITY OF ISLAM

In this section we shall look briefly at some of the dogmas, beliefs and practices of Islam, not as cultural curiosities, but as illustrations of the way that Islam as a religious meaning system has throughout history developed within changing social environments. Approaching

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allowed him, at least rhetorically, to turn a crushins defeat into a moral victory by claiming that God's will would prevail and His enemies would ultimately be defeated.

Islam in this way should allow us to understand with greater clarity both the general relationship of religion to society and the specific nature of Muslim identity. It should then be possible to throw some light on the problems currently faced by Islam in Europe, uprooted as it has been from those countries where it is the official religion and having to confront the secular societal environments of modern Western states.

1. *Revelation*: Islam may be described as a revelationary religion. Belief in the Koran, the sacred book is one of the five Articles of Faith for Muslims. According to Islamic dogma, the communication of revelatory 'Books' to Moses, David Jesus and Mohammed are the summation of the intervention of divine grace in favour of humanity [Jomier, 1988, p.54]. For religious dogmatics this notion of revelation has distinct advantages. It allows the religion to deal with the issue of time in a non-linear form. The Books were not written by the Prophets. They were dictated by God. They do not belong to any particular epoch or culture, as they have been transmitted by God to the Prophets. Only the date of their transmission, not the date of their authorship are interpreted as historical events. They are of no time, but are for all times.

According to Luhmann, the dogma of revelation serves to co-ordinate generalization of the religion.

> It combines (1) a *universally available authorship* (God) with (2) *widely applicable and interpretable contents* whose rationality and interpretability are guaranteed, and (3) with the actual appearance of a *possibility* in the form (4) of a *particular historical event* which is (5) *immediately clear* and which *cannot be changed* by any given society, because it is historically unique. Instead it is subject only to a theological administration of dogmas [Luhmann, 1984, p.90] (emphasis in original)

This discovery of a body of religious dogmatics which have both universal relevance and specific jurisdiction. The fact that they are revelations from a super-human being makes negation within Islamic dogmatics impossible. The only way in which Islam can respond to pressure from the environment is by re-interpretation. In this respect the meaning system is entirely closed and self-referential. Moreover the fact that this reinterpretation is placed firmly in the hands of theological jurisdiction ensures continuity and perpetuation.

In the case of Islam the revelation of the Koran to Mohammed provides additional scope for generalization. Previous revelations, according to Islamic dogmatics, had been made by God with the intention that the Envoys/Prophets would be dispatched to specific

people that were made to a specific people, the Children of Israel. Mohammed was unique in that he was sent on a world mission. For the purposes of conversion, therefore, the boundaries between Islam and society are easily crossed. It requires only a public declaration of belief, *'I confirm that there is no god other than God (Allâh) and that Mohammed is the Messenger of God'*. This allows for conversion of non-believers which involves no initiation rites or examinations[1]. At the same time it is essential for the preservation of the identity of Islam that the notion of revelation - that the Koran was dictated to Mohammed by the Angel Gabriel to whom it had be given by God, Himself - is kept constantly in the forefront of belief. This accounts for the need for constant repetition of the uniqueness of the revelation. Hence the five daily prayers.

Finally, the existence of a revelatory Book makes possible the kind of binary decision of the acceptability/non-acceptability, of different forms of behaviour and validity/invalidity of different Koranic and Shari'a interpretations, that Luhmann maintains is of 'central significance' for the organization of the religious system as a church or social institution (p.90). However, despite the claim of fundamentalists that the Koran represents a 'constitution for the universe' [Jomier, 1988, p.61], in reality the commandments contained in the Koran are few and often imprecise. For Islam, therefore, the revelatory Book is the ultimate legitimator of what has subsequently become known as Islamic law rather than being the source of all legal knowledge. This has enabled religion to keep a close control over the development of law by ensuring that Islamic law cannot go beyond certain limits and so cannot itself become a closed meaning system. Although historically this has ensured the survival of Islamic law, it has also meant that even in Islamic countries it has increasingly been forced to accept the imposition of secular law alongside its own jurisdiction. Moreover, this jurisdiction has itself been increasingly restricted to family, private law matters. This area of law, relating to the personal status of men and women and their relationships with one another within and outside marriage and the control each respectively organizes over their children has come to represent for several 'Islamic states' the essence of Islamic law. Indeed, recently the symbolic demarcation of Muslim/non-Muslim has tended to be organized around these rules of personal status derived from Koranic exegesis. While within the political and economic systems of Muslim countries the Koran and its interpretation is seen as having little relevance to daily decisions, it is of the highest importance to the way in which families are organized

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1 According to Manazir Ahsan, the Director General of the Islamic Foundation, U.K. several thousand native Britains have converted to Islam.

and especially the roles for men and women and their power relations within families.

2. *The Creation and Destruction of the World*: According to a systems functional analysis, religions were able to deal with society's problem of causality, only after they had constructed a concept of time as

> 'a meaningful relationship between temporally distant events of the past and future. It must also be seen as the space in which communication develops. That is, it must be seen historically. For this way of thinking, history is the history of decisions to which God responds accordingly. It is reflected as dialogue with God.' [Luhmann, 1984, p.86]

In Christianity, Judaism and Islam, therefore, time came to be seen both as an eternal present, the continuing act of giving life to individuals, between two fixed points, the creation and destruction of the world. A causal schema could thus be seen to exist for all events in the social world. At a second level, the changing of past into future implicit in The Judgement Day allowed for the existence of a notion of progression (p.67)

Islam accepts the version of creation set out in Genesis, and the Koran places much emphasis on the fact that humankind is God's creation. 'It is he who has created you from clay. He has decreed a term for you in this world and another in the next'. (Koran 6:2). Creation is the one external proof of God's existence and His powers. The Koran challenges any of the false idolatrous gods to recreate the world as proof that they are really divine. The fact that none of them of done so is evidence of God's divinity.

Elsewhere in Islamic dogmatics the creation is evoked to remind man of the mercy of God who nourishes and brings to him those whom he needs. It shows also the power of God, capable of giving life and thus of renewing it on the day when he revives the dead. In the face of God, man is the servant before his master this truth is written in the very depths of human nature the man who denies it cannot be forgiven [Jomier, 1984, p.50]

A important part of Muslim dogmatics concerns causality, in particular where they describe the catastrophic events that will occur when the world ends. As in the Christian version of the Day of Judgment there is the image of bodies climbing out their graves at the sound of trumpet for the last judgment, then the judgment itself with its balancing of deeds, the books which will be opened, the verdict of paradise for some and hell for the others. Hell, however,

will not be eternal for believers. The intercession of Mohammed will ensure the release of those who are at heart believers in whom where one can still find an atom of faith, even if only after thousands of years of punishment.

There is, of course, a contradiction implicit in Islamic dogmatics (as there is in Judaism and Christianity) concerning the issue of determinism and responsibility. This is the theological debate which concerning whether God, as all-powerful and all-seeing supposes is capable, not only of knowing in advance how men and women will behave, but also of determining that behaviour. If God does indeed determine behaviour, then how is this compatible with the concept of free-will and responsibility and, indeed, with the very concept that men and women should be judged and subjected to rewards and punishments. This contradiction is resolved in part by the existence in the Koran of that other supernatural figure, the Devil, (who is also God's creation) which makes it possibility for mankind to make choices between good and evil, two paths which lead in opposite directions.

In Islam, as in some forms of Christianity, this distinction between good and evil, God and the Devil, serves to not only to remind believers what will happen to them if they disobey God's word, but also to differentiate Muslims from non-Muslims, since it is impossible for the faithless to be on the side of Good or to be rewarded in the world to come. Indeed, there is some considerable debate among Muslim theologians as to whether infidels of good faith may also be saved. Several of them (e.g. al-Ghazali, 1058-1111) accept that those infidels who are of good faith could be saved, if they were not morally responsible for their lack of belief [Jomier, 1988 p.58]. As Luhmann points out, religious systems, like Christianity, Judaism and Islam, which traditionally have made sharp distinctions between members and non-members, increasingly discover that their own members do not meet the expectations of the religion and that non-believers may be following their own religious faith. It therefore becomes increasingly difficult to reconstruct the world as being divided along simple lines between believers, who are necessarily good and non-believers, who are necessarily bad. The similarities between members and non-members were impossible to ignore. In Islam further distinctions were developed between non-believers who were nevertheless 'brothers of the Book' (Jews and Christians) and other non-Muslims, such as Hindus and Buddhists. The Shari'a rules, which evolved around marriages between Muslims and Brothers of the Book, were further evidence of recognition that simple good/evil reconstruction of the external world could not be sustained. Nevertheless, as we shall see, it was always possible to resurrect such

reconstructions in different forms in response to perceived threats to Muslim identity from the external environment.

3. *Self-reference and Authenticity*
An important question for Islam to answer concerned its own authenticity and, in particular the authenticity of the Koran and of Mohammed as a Prophet and God's last envoy to mankind. Where was the proof of this authenticity? Criteria and evidence of proof clearly change over time and according to the particular belief system of those demanding proof. It was, therefore, necessary for Islam to protect itself against the scepticism not just of one historical epoch, but for all time. This was achieved by the production of a closed system, not so much of knowledge, but of belief.

In the Koran the objectors recalled the fact that the ancient prophets had performed miracles to confirm the divine origin of their mission and they summoned Mohammed to do the same. The Koran, however, protested against this demand and in reiterating its confirmation of the divine origin of the Koran, it presents itself as the great miracle proving the authenticity of the revelation received by Muslims. The professions of faith affirm that the Koran is of divine origin and possesses qualities such that no creature could have or will be able to compose its like. The Koran defies anyone to produce a single chapter which can equal those of the Koran (10:37-8, 52:25-42, 69:42-3,) Since nobody has been able to meet this challenge, the divine origin of the Koran has been definitively proved. [Jomier, 1988, p.56]. As with creation, therefore, the proof of the Koran's authenticity, therefore lies in itself. The evidence of the text is all that true believers need or are entitled to in order to validate the claim for authenticity. If they doubt the text by requiring further or different evidence, then they cannot claim to be true believers. According to the same logic, Mohammed must be God's Messenger, because the Koran was transmitted to him.

The circular nature of the argument is obvious, but it has served, not only to convince Muslims of the divine authorship of the Koran and thus of Mohammed status as the last Prophet/Envoy, but also to differentiate a religious Islamic system of meaning based on faith and faith alone from all other meaning systems both inside and outside the Muslim world. The truth in Islam can be discovered only by referring to the Koran and the evidence of the truth of the Koran is the Koran. Believers may then refer all issues concerning the rightness, wrongness, good or evil of events selected from the external social environment as well as the causes and consequences of such events for religious interpretation by reconstructing them in terms which make sense exclusively for Islamic dogmatics. The fact

that other meaning systems, whether rationalistic, scientific, political or whatever produce different answers or interpret these events in different ways or even that they find the issues concerned trivial or insignificant is of no consequence for religious dogma of Islam (although, as we shall see, it may have consequences for Muslims).

5. *The Medium of Faith*: As we have seen, simply to refer back to itself provides Islam (and other religions) with the necessity of having to prove the authenticity problem on any but its own terms. On its own, it does not present any reasons why Islam's solution to the problem should be more acceptable than any other. An essential element is missing. This is the communication medium, the language which makes it possible for religion to manage contingency issues in the social environment by transforming into what it claims are exclusively religious terms. For other systems love, money, and truth are communication media. For Islam, and other highly evolved religious systems, it is faith.

Luhmann's account of the evolution of religious dogmatics describes how, as religion takes on a specific, but universally relevant function in society, it's internal basis must also switch from ritual to faith.

> The amplitude of myths and explanations which was normal and harmless in older religions based on ritual and cult is no longer tolerable if religion is based on more highly generalised symbols. The correct understanding of faith can and indeed must become the subject of controversy, the settling of which spurs the further development of dogma. [Luhmann, 1984, p.34]

The development of dogmatic theology presupposes that faith has become reflexive (p.62) that '[T]he faith process can, ... "formulate" the condition of its own possibility', using faith, for example, to determine the correctness or fallibility of its own concepts which are themselves based on the medium of faith. In Islam the use of the formula of the shahâda - a negative phrase (there is no divinity outside God), which removes everything that is not God, but reserves the question of the mystery of God to Himself, a mystery into which the believer himself is forbidden from unravelling - is seen as the only correct way of conceptualizing God. In the same way that positive legal systems presuppose that the establishment of norms can itself be made subject to norms, so religion achieves reflexivity through the faith medium by assuming the right to determine the conditions establishing the existence or non-existence of faith, of implementing a binary code that separates the faithful from the faithless, the believer from the infidel. 'The reflexive process *applies* itself to itself and changes itself' [Luhmann, 1984, p.94 emphasis in original]. From Luhmann's evolutionary perspective, it is the

achievement of reflexivity that makes possible the transition of religion to modern societies.

If the language of faith is to be available for a variety of social situations, it must be generalized beyond those acts which in specific religions are the evidence of the existence of faith [Luhmann, p.58]. Yet, once the medium of faith becomes universalized beyond actual manifestations of faith to witnesses and testimonies of faith that one finds in religious rituals there is a danger that 'faith inflation' may occur. This de-ritualization of religions means that religious motives, rather than rituals, become all-important in deciding what is appropriate to select from the external environment for communication and coding by the language of faith. There is no guarantee that religion will be able to control the scope and direction of these transformations. Faith, like 'love' or 'truth', may be taken to a level of abstract generalization where it loses all ability to serve society's contingency-managing requirements. Faith, in these circumstances, risks becoming a formula for justifying everything and anything. Like the superstitious concept of 'fate', it's absence or presence may be presented as the cause of all unexpected or scientifically inexplicable events.

RELIGION IN MODERN SOCIETY

1. While Luhmann, following Durkheim's distinction between mechanical and organic solidarity, sees modern societies as fundamentally different in their organization from traditional or 'archaic' societies he breaks with Durkheim and the dualistic sociological tradition that works with only two distinct types of social organization. For Luhmann, as we have mentioned, modern societies are characterized above all by their complexity and above all by the diversity and self-reflexive nature of their functional subsystems [Luhmann, 1984, p.74-5] which makes it impossible for them to be regulated as a cohesive organization, as was the case in traditional societies. This fundamental difference avoids the kind of rigid segmentation of power and wealth that occurs in traditional societies. It also means that these subsystems are continually involved in attempts to influence the external environment by their communications and in responding to 'interference' from other subsystems by imposing their own meanings on communications from other subsystems.

2. What difficulties then have to be faced by religious systems as they confront this fragmentation of meaning systems and their functional differentiation as occurs in modern societies? For a start,

religion can no longer rely upon the uniqueness or utility of its function of contingency management. Apart from specific rituals denoting status changes, in, for example, baptism, confirmation, marriage, or the crowning of a monarch, it can expect to be called upon only in certain specific situations, of particular uncertainty and anxiety, such as unexpected death or incurable illness. Indeed religion tends to restrict its role of in modern societies largely to that of a 'helping hand' [Luhmann, 1984, p.41]. It is no longer functionally necessary at the level of society as a whole, since other systems, such as science and law, compete with it, and have by and large become more successful than it, in the task of managing disappointments and stabilizing congruent expectations.

Any attempt by religion to pursue in modern societies the functions that it served in traditional societies will continually be thwarted by the fact that, the notion of faith, while still existing within religious dogmatics, 'has largely ceased to function as a code for general social processes' [Luhmann, 1984, p.64] In order fulfil its traditional roles, therefore, religion increasingly has to formulate its communications in the codes of other social meaning systems, such as law, politics, medicine, education or social science. Moreover, as a price for influence over society and other systems it has progressively been obliged to couch its message in terms of a general morality which is not dependent upon the existence of a transcendental force determining events in the world. It is not at all surprising, therefore, to find religious leaders making claims for religions as providing 'the structures of our common life' [Sacks, 1991, p.93] or portraying other social institutions as breeding grounds for selfishness, materialism and intolerance. Increasingly 'truth', 'love', 'self-discipline' and 'cohesiveness' come to take the place of faith as the media for religious communications. Shabbir Akhtar, at the Florence workshop went so far as to claim that the moral health of society is *dependent* upon adherence to a religious code in his claim that,

> the relation between religion and the strict regulation of the sexual impulse is a necessary one; sexual cultures are bound to assume the view that sexual activity is largely a technique for recreation and enjoyment. In other words successful sanctions against sexual indulgence are exclusively religious in motivation.

Discipline in sexual matters cannot, according to this construction of society, exist without religion.

3. The post-Enlightenment rationality, which can be said to characterize modern societies' reconstruction of the social and physical environment threatened to leave religious organizations increasingly isolated and marginalized. Those which continued to

reconstruct the world in metaphysical ways, relying upon a transcendental notion of God and God's Judgement, found unable to form alliances between religion and other social subsystems and increasingly incapable of influencing society by their communications. Religion, therefore, has progressively found itself obliged to reconstruct the social environment along utilitarian lines in terms of the advantages that religious affiliation in general offers both individual beings and society. Decreasing emphasis tends to be placed on the 'truth' of one religion over another. Instead a religious identity *per se* is seen as an affirmation of these advantages, just as 'faithlessness' was projected as their negation. As a result the meaning sub-system of politics, has been able in certain states to formulate religion in terms of its responsibility for the moral health of the nation and the absence of religion as indicating 'spiritual bankruptcy' leading to delinquency, self-indulgence and a lack of community solidarity.

4. Luhmann identifies a further problem for religion in its function of managing disappointments and uncertainty by its ability to make contingencies arising in the social environment determinate or, at least, determinable. By basing faith, in contrast to knowledge, on the ultimate uniqueness, heterogeneity and ubiquity of the personality of God means that religion's relationship to its immediate social environment is no different to its relationship to the world. The doctrine of revelation made it possible to believe that a generalised, non-worldly God could be made specific in ways that were appropriate for any social environment. Yet, today, the social understanding of time has allowed a historical understanding of the revelation dogma, making it uncertain as to whether the interpretation and reinterpretation of revelation can still fulfil the function of religion in the modern world. [Hegel, 1934, pp.89ff; Luhmann, 1984, pp.98-99].

Even if it may be possible to determine contingency for individual societies, how will this be possible for the world society that has come into existence? When each societal system was relatively firm and fixed and used other societies as its environment, it was possible for religious dogmatics to make their abstractions for contingency determination dependent (albeit latently) upon the specific structures of the society concerned, such as stratification, domination and morality. It is highly questionable whether religion will be able to able to reconstruct *the global society* in this way. [Luhmann, 1984, p.99]. This suggests a major fragmentation of religious dogmatics may occur, with religions becoming increasingly localised and adapted to specific social systems with consequential weakening of

the ability of universally relevant dogmatics to solve contingency problems.

RELIGION AND THE FAMILY

As religion is obliged to satisfy growing social demands that it should contribute directly to morality and happiness within a framework set by other social sub-systems, it has placed increasing emphasis on the family as the sphere in which religious identity and moral values are preserved and transmitted from one generation to another. It is no surprise, therefore, to hear Jonathan Sacks, the Chief Rabbi of Great Britain, claiming the family for religion, when he states that 'the family *is a religious institution* that survives in a secular culture' [Sacks, p.57, emphasis added] He goes on to suggest both that religion gives meaning to the family, which left to secularism would have no meaning and also that, in the case of Judaism at least, the survival of the religion and the Jewish people 'is due, above all, to the strength of the family' [Sacks, 1991, p.57] In religious terms, therefore, the family becomes therefore at one and the same time an environment for the reproduction of religion and a system which depends on religion.

A glance at several of the papers from the Florence Workshop shows that the Muslim religious representatives from England and France also tended to place considerable emphasis on the notion of 'the Muslim family'. Increasingly, this ideal notion of 'the Muslim family', rather than the coding, 'faith/faithlessness or the observance/non-observance of prayer and ritual is seen as demarcating the boundaries between the Islamic and the non-Islamic and between the religiously lawful/good and the religiously unlawful/bad. Muslim families are presented as cohesive units, in which roles are clearly defined, and where each member exercises self-discipline and respect for others. They are hierarchical both in terms of gender and age and the maintenance of authority and respect for that authority is seen as being essential to the family's well-being. This is contrasted with modern, non-Islamic families which tend to be portrayed as divorce-prone, unstructured, lacking in cohesion and generally in a state of moral chaos. Moreover, if in practice some Muslim families do not live up to these ideals, the blame is placed firmly at the door of modernity and its pernicious influence, particularly on women and the younger generation.

From a religious perspective any differentiation between Muslim and non-Muslim based on family structure cannot simply replace previous demarcations based on faith and belief. It is rather a matter of the

one presupposing the others. Muslims in Western countries are identifiable by their belief in God's uniqueness and in the authenticity of Mohammed's message, but the existence of 'the Muslim family' stands increasingly, not as a substitute for, but as evidence of that faith and that belief.

This particular form in which religious dogmatics has evolved may well provide considerable advantages for Islamic identity in modern Western societies. It reconstructs in way that are compatible with its own religious coding the divisions in the secular society and in secular sub-systems, such as law and politics, between public and private. If Islam is unable to solve the contingency problems of modern society, at least it is able to give the impression of being able to solve it's moral problems. This enables Islam in its external communications to exercise influence over the evolution of societies in ways which enhance its own existence.

It does not conflict with Enlightenment principles of rationalism and individual freedom. Adapting the principles of Islamic family life need no longer be a matter of a blind, unquestioning acceptance of God's law, but can be shown 'scientifically' to be good for each member of the family and for society in terms of the protection it offers against delinquency, immorality and alienation. So far as individual is concerned, therefore, there is now in existence a version of Islam, which may become reconstructed as an important aspect of 'self' or 'identity'. It also offers the prospect of behaving in his or her public life at work or in business and politics in every way like a Western European as long as within the home the laws of Islam are obeyed and the ideal of the Muslim family, respected.

THE CONSTRUCTION OF RELIGION AS A SECULAR IDENTITY

Religions, as social meaning systems from which people may derive a belonging identity, are far from being stable fixed points in a social world which is changing all-too-rapidly around us. Like all other social institutions in modern society, religions are continually reconstructing themselves as a result of their confrontation with the external social world. These changes are inevitable once traditional religions enter the meaning world of modern secular societies. The precise forms that they take are impossible to predict, as the depend upon a wide variety of internal and external factors, but in gross terms, there is likely to be a fragmentation of internal meaning which will reflects the fragmentation of discourses in the external social world. This has already happened to Judaism in western countries. Whereas once it was only possible for Jews to see

themselves as in relation to a single Jewish identity -one was either a Jew or not a Jew and as a Jew one was either a good Jew or a bad Jew, it is now possible to identify with a particular kind of Jewish identity, which exists independently of any religious or regional sectarianism in Judaism itself. One can be an 'orthodox', 'reform', 'liberal', 'practising', 'non-practising' or 'cultural' Jew, and still call oneself 'Jewish'. Jewishness need no long depend upon belief or practice. At the extremes the orthodox Jew and the cultural Jew have absolutely nothing in common other than the fact that both call themselves 'Jewish'. Between these two extremes there is very little except a vague, ill-defined Jewish identity that binds together Jews from different countries of the world or even from different walks of life.

As we have seen, in Western societies the fact of belonging to a religion, of having a religious identity, is increasingly portrayed by religions themselves in terms of the advantages this provides to the individual in this world rather than in the world to come. A belief in the notion of a transcendental God whose will governs both physical events and human actions together with the notion of faith as the ultimate criteria on which human beings will be judged tends to retreat into the background of religious discourse. As a footnote to this account of the internal secularization of religion, it should be emphasised, that fundamentalism moves in diametrically the opposite directions. Rather than acknowledging the need for religion to evolve in response to social pressures from the external environment, fundamentalists see no areas of social existence as being exempt from God's will and God's law. Their goal is, therefore, to incorporate all aspects of public life including law politics and government are within a divine order determined by what they see as rigid and unchanging dogmatics [Arjomand,1989].

We need to be aware, however that the process of religious evolution and the transformation of religious identity by religion itself, as described so convincingly by Luhmann, is only one aspect of the secularization process and the construction of a secular religious identity. A second set of processes concerns the transformation of religions through by secular meaning systems. Just as the sacrilization of the social environment and social systems operating within that environment occurs within religion, so religion is reconstructed by other specialized social sub-systems and by society on their terms. Through this process issues which start out as matters of belief, faith and obedience of God's commands are translated or reconstructed within politics, law or economics into terms which make sense for these meaning systems. This is not mere cynicism. It is not simply a claim that religion is used to justify

political or economic ambitions, nor is it to suggest that religions are somehow destroyed or corrupted by secular institutions. Within secular discourses, nominally, at least, the religion retains its separate identity, but its meaning is changed. Christianity, Judaism, Islam all exist as legal, political or economic subjects, but these meaning systems select from religion those aspects which are readily understood in legal, political and economic terms. The rest is filtered out.

Although Sacks in his rhetorical defence of religious faith sees enormous dangers for religion in this secularization process, since 'religion' according to him, 'is about the soul, not about society' [Sacks, 1991, p.98], to interpret this process in entirely negative terms is to miss the important point that some secularization is essential if minority religious groups are to receive any recognition and defence of their dogmas and practices within secular, pluralistic societies. It is only through this process of reconstruction that the irreconcilable becomes reconciled and the incommensurable becomes commensurable. It is through the reconstruction of religion within secular discourses that people, who, while in their separate spheres of religious meaning world could not begin to understand one another, are now able to speak the same language and so able to engage in reasonable disagreements with one another.

In order to illustrate how this complex process of reconstruction takes place, I shall in the following section analyses briefly some recent encounters between Islam and the law in England and France. I would emphasise, however, firstly that law is only one of several social meaning systems involved in this reconstruction process[1] and, secondly, that in the short space available here, it is not possible to offer more than a sample of these encounters and to make more than the briefest overview of these processes at work.

ISLAM AND MODERN LAW

How then does modern law reconstruct Islam? In the first place, as one might expect, Islam is divided up and classified according to the conceptual meaning categories that exist in the modern world. The Muslim religion, morality, and law become separated from one another in order to make them amenable to ordering by and within the modern legal system. Not only may this separation conflict with

[1] Others are politics, economics and art. See, e.g., Wihtol de Wenden (1990) for an account of the way in which Islam has been reproduced as a political force within French trade unions.

the diffused nature of these three concepts in traditional Islamic societies, but, as Poulter points out, 'the Shari'a or sacred law comprises not only laws enforceable by political authority, but also morals, manners and obligations binding on the individual conscience alone' [Poulter, 1986, p.4]. 'Islamic law' becomes then 'the law of Islamic states' and obligations which were at one time a matter of 'individual conscience', or matters between God and man, reinforced by the opinion of others within cohesive communities, are transformed into impersonal rules enforceable by state authority. Law is given a meaning which corresponds with a westernized conception of legality in ways which allow English courts in cases of conflicts of law to call upon the opinions of 'experts in Islamic law' and French judges to take upon themselves the task of interpreting principles of Muslim law.[1] The fact that the very notion of 'a Muslim law' is highly problematic, with deep divisions between different schools of law and between theological and historical accounts of the law's development and interpretation, (See Turner,1974; Coulson 1964; Pearl, 1979, ch.1, Schacht 1964) does not seem to deter modern western jurists from conceiving it as 'a legal system' which may be seen to exist alongside other legal systems in the modern world.

Modern law cannot construct religion as a private communion between the individual and God. Beliefs and faith are not amenable to legal ordering. For law, therefore, religion exists essentially as the those customs, rites and rituals which in the public domain come to symbolise statements of faith and holiness. Law, therefore, tends to reconstruct religion as rights of worship and performance of ritual. Once reconstructed in this way each religion may be seen as constituting for law a set of rights, such as the right not to work on the sabbath, the right to perform kill and prepare animals for food according to ritual rules, the right to wear clothes or hair styles in ways which conform with religious requirements. Once constituted as rights, religions may take their place in a legal world where their particular demands and obligations may be related to, compared with and placed in rank order with all other rights, obligations and demands.

The case of *Ahmad v ILEA* [2] illustrates this point well. In this case Mr. Ahmad, a devout Muslim, was employed as a schoolteacher. In accordance with the dictates of the Koran he attended prayers at a mosque every Friday, but in doing so he returned to his school some forty minutes after the start of classes. As a result the head-teacher wrote to him saying that if he continued to take time off school there

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[1] See Halimah Boumidienne's talk at the Florence Workshop

[2] [1978] 1.All E.R.,574

would be no alternative but to vary his appointment from a full-time post to a part-time position of four and a half days per week. Mr. Ahmed replied saying that he would rather resign than accept the offer of a part-time position. This he did. Subsequently, he appealed to an Industrial Tribunal claiming that he had been unfairly dismissed or alternatively forced to change his position from full-time to part-time. This he argued contravened section 30 of the *Education Act 1944* which stated that

> ... no person shall be disqualified by reason of his religious opinions, or of his attending or omitting to attend religious worship, from being a teacher ...

and

> no teacher ... shall ... receive any less emolument ... by reason of the fact that he does or does not give religious instruction or by reason of his religious opinions or of his attending or omitting to attend religious worship...

Both the Industrial Tribunal and the Employment Appeal Tribunal decided that the object of this provision was 'to protect individual teachers ... from being penalised in any way by reason of their religious beliefs or of their ... not attending religious worship' and could not ' be construed as *authorising a breach of contract by a teacher* in absenting himself during school hours for the purpose of attending religious worship' (*italics added*)

Mr. Ahmed also drew the attention of the Tribunal (and subsequently, the Court of Appeal) to Article 9 of the *European Convention on Human Rights* which guarantees freedom of worship,

> subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedom of others.

For our purposes, it is interesting to note what issues were selected as salient when the case was discussed by the judges of the Court of Appeal. In the first place, there was some considerable concern over the nature of the religious duty to attend Friday's congregational prayers. Was this an absolute obligation or were there legitimate excuses for not attending? Was employment, like sickness, a 'good reason' for not attending? Since Muslims were required to return to work after attending prayers, was it not advisable for a Muslim 'not to become involved in an employment which prevents his attending a mosque'? (p 579). Was it not proof of Mr. Ahmad's obedience to the requirement of Islam that when teaching at a school which was not within easy reach of the nearest mosque he did not take time off work on Fridays, because he then had a legitimate excuse for not

attending? What the appeal court attempted to do, therefore, was to assess the strength and nature of the obligation upon a Muslim to attend Fridays prayers and to couch this obligation in legal or quasi-legal language. Despite the expert evidence of 'an Islamic religious leader' the issue of whether or not to attend prayers is *'for the individual to reconcile with his own conscience'*, a private matter between him and God, the judges insisted on seeing it in terms of some external authority requiring attendance and setting out those circumstances which could legitimately excuse non-attendance. In other words was there a law, God's law, Islamic law, which conflicted directly with Mr. Ahmad's contractual obligations? The fact that the Islamic 'experts' did not advise of any such unequivocal duty and no other Muslims in the employment of the educational authority had requested time off work on Fridays, led the majority of the judges to conclude that there was not.

The dissenting opinion of Lord Scarman is also instructive. He saw the issue essentially as one of community relations.

> Religions such as Islam and Buddhism have a substantial following among *our* people. Room has to be found for teachers and pupils of the new religions in the educational system, if *discrimination* is to be avoided ... The system must be made sufficiently flexible *to accommodate their beliefs and their observances*, otherwise they will suffer discrimination. (p.583 italics added)

The attendance at Friday prayers represents, therefore, an expression of difference which needed to be recognized and understood in a plural society. As Lord Scarman pointed out,

> A narrow construction of the section (Section 30) would mean that a Muslim, who took his religious duties seriously, could never accept employment as a full-time teacher. (p.585)

He concluded, therefore, that the case 'begins with, but does not end with the law of contract. It ends with ... the application of the new law associated with the protection of the individual's human rights and fundamental freedoms'(ibid).

I am not suggesting here that there was anything wrong with Lord Scarman's line of reasoning or for that matter with contrary conclusion reached by the majority of the court. Both are quite legitimate as interpretations of the law. My point is rather that in producing a legal judgment (and dissent) out of the conflictual that had arisen between Mr. Ahmad and the education authority the court had necessarily been obliged to reconstruct Islam in a way that could be understood by law, namely a set of ritual practices which set

Muslims apart from others, that made them different. Once this had been established the legal issue became whether the particular ritual of Friday prayers was such that it could be given the status of a fundamental right or whether it should take a subservient place to contractual obligations.

If we turn now to the *Conseil d'Etat's* consideration of the French head-scarf (*foulard* or *tchador*) case, we find religion set against secularism rather than contractual obligations. Once again, however the very notions of religion and secularism are constructed in abstract legal ways in order that a legal conflict can be abstracted from the social events and law produced to resolve the conflict. Perhaps the most significant aspect of the way in which the issue of the three Muslims girls who were expelled from school was reconstructed by the French *Conseil d'Etat* lies in the fact that not once in the five page judgement does the word Islam or Muslim appear. Nor indeed is there any reference to the item of clothing that caused so much offence. The questions put to the *Conseil d'état* were not concerned with matters of motives, beliefs, traditions and even less with those conflicting interpretations of the verses of the of the Koran or the debate over the oppression of women which had aroused so much feeling at the Florence Workshop. Its brief was simply to answer the three questions posed by the *Ministre de l'Education National de la Jeunesse et des Sports,*

> 1. If, taking into account the principles set out in the Constitution et the laws of the République et having regard to the body of regulations covering the organization and operation of state schools, the wearing of insignia denoting affiliation to a religious community is or is not compatible with the principle of secularism (laïcité);
>
> 2. If so, what conditions may be applied to it by ministerial directives, school rules and decisions of head teachers;
>
> 3. If the wearing of such insignia is banned, or if the conditions concerning the wearing of such insignia are not met, what steps (such as refusal to admit a pupil or expulsion) are available and what procedures and other safeguards shall be applied.

This reduction of the issues to a legal formula which could be answered by another legal formula avoided all the messy complexities which made the case so interesting from a sociological perspective - the inequality of women in Muslim families, racism in French society, the French cultural legacy which dominates the 'neutral' school curriculum. Instead, as Poulter pointed out at the Florence Workshop the *Conseil d'état* was able to present an account of all the relevant provisions of the Constitution and international Conventions to which France was a signatory and the duties and

obligations of schools and other public institutions under French law, before coming down on the side of pluralism and toleration.

Despite their different outcomes, in both these cases the law recognizes the Islamic religion as a legal construction, an artefact of law. Clearly, this does not mean that it is diminished or ceases to exist as a religion, but nor does it mean that, as a religion, it is any stronger or more truthful. Rather, Islam takes on the identity-in-law of 'legal religiosity', offering to its adherents an absolute or limited right to engage in prayer and ritual, and the claim that they are subject to a set of rules or laws of traditional origin to which other people, non-Muslims are not subject. Muslims are accepted as different, but not so different that they cannot be brought within the ambit of the liberal state. The law reinforces those aspects of Islam which signify acceptable difference, while neglecting or rejecting others, which offend liberal sensibilities through their denial of individual freedoms (such as bigamy and paternal rights over young children) regardless of their salience to the traditional identity of the religion.

A similar reconstitution of religion occurs within other secular institutions of modern western societies, such as politics and economics and education. For individual Muslims, this process of reconstitution avoids the need to make difficult choices. They can become citizens while at the same time retaining their Muslim identity, for, as we have seen, this identity no longer has to rely for its legitimation on traditional values and criteria. Thus it is possible for a woman who has married a non-Muslim still to speak of herself quite seriously as a Muslim, because the secularization of Islam through liberal state institutions have given birth to a concept of 'being Muslim' which avoids these contradictions.

Of course, such accommodations are possible with all institutions of modern western society. The normative statements generated by science and medicine, for example, and their ways of resolving issues of contingency or disappointed expectations are often incompatible with those of traditional religions such as Islam. Science is able to understand and reconstitute religion only as a social phenomenon, and medicine tends to see it only as a set of superstitious beliefs and practices. Faced with incompatible explanations, individuals are often forced to make difficult choices between one or the other, since explanations based on the concepts of 'God's will' or 'evil spirits' no longer seem satisfactory to many of them. In order to rescue its separate status as a norm producing institution, religion has to withdraw from the predicting, prophesying role which it performed in traditional societies, except within the very narrow bands of the

'inexplicable' or 'the coincidental.' Practices, therefore, which within religious meaning systems were seen as promoting health, such as not eating certain foods or not having sexual intercourse during menstruation, are reformulated as rituals, having meaning only within a closed religious system.

CONCLUSION: THE RECONSTRUCTION OF RELIGION WITHIN RELIGION

This brief and limited discussion of the way that science and medicine obliges religion to adapt itself to new conditions leads me to the final part of this examination of the Muslim identity, which is concerned with this dynamic aspect of religion, constantly engaged in reconstituting itself and re-differentiating itself in its relations with the external social environment. The dilemma for Muslim leaders in the West is that the rules and practices which they see as constituting the Muslim identity and with protecting and reproducing that identity, in several instances clash headlong with the principles of equality and individual freedom which characterize Western secularism. To locate this issue in one specific context, how can Islam survive in the West, if its laws against intermarriage and female inequality are increasingly ignored, yet equally how can Islam reassert its authority against intermarriage without jeopardizing its privileged role of representing a legitimate identity for individuals within secular state institutions?

One answer to this dilemma that we have already examined is for Islam to emphasise increasingly on the family and the private world of the individual. In this guise Islam becomes the religion of family cohesion and, as such, a moral force in a degenerate and immoral social world. For Muslims, this notion of moral superiority serves to reinforce their religious identity, while, at the same time, encouraging them to differentiate themselves from the 'out-group', non-Muslims, and to protect their uniqueness. For Muslims and non-Muslims searching for some safe haven in the ferment of moral turmoil that surrounds us, Islam also has its obvious attractions. Once established as a secular religious identity which individuals may adopt (or reject) as a solution to their moral or personal problems, Islam may be seen as quite compatible with the prevailing discourses in modern Western society. Yet, one needs to add, however, that for those born as Muslims who find themselves seduced by the freedoms and promise of individual fulfilment that the modern world offers, the emphasis on rigid discipline and strict

morality may have the effect of driving a wedge between them and their religion and between them and their orthodox Muslim family.[1]

For the religion of Islam there is a heavy price to be paid for the accommodation to modernity. This is the fragmentation of Islam within Islam. The effect is that the Muslim identity no longer exists as a unified concept. Lawrence Rosen, speaking at the Florence Workshop, predicted the emergence of a European version of Islam. What I am suggesting in this paper is that there are likely to be several versions. This will leave Muslims free to pick and choose between different variants of Islam, which reflect, not different schools of Koranic exegesis, but rather different concessions to modernity and different degrees of permissible *individuality*[2]. Yet this freedom to choose more or less individualistic versions of a Muslim identity simply does not exist within the Islamic religious tradition. Every time that Muslims take their claims for the right to practice their religion or not to be subjected to discrimination before the courts or the legislators, a new brick is laid in the construction of pluralistic and individualistic Islam. For the traditionalists, each legal or political victory for Muslims represents a defeat for the religion of Islam.

An alternative solution is for religious Islam in Europe to become increasingly closed, insisting upon its own purity and righteousness and using obedience to *God's law* as interpreted by traditional exegesis of the Koran and Shari'ah as the criterion for differentiating itself and goodness from the evil of the prevailing social environment. While this may prevent the internal fragmentation of European Islam, it would considerably reduce the potential of traditional Islam for influencing the external environment, society and other social sub-systems, such as law, art, politics, education and economics which operate within that environment. This would, of course, exclude from the religion large numbers of people who 'feel' Muslim and for this reason alone it is unlikely that it would prevent the fragmentation of Islam in Europe by the construction of non-religious versions of Muslim within these non-religious systems. Muslims in

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[1] It might also be argued that, for men at least, the Islamic concept of *umma* or universal brotherhood also represents a secularized aspect of Islam which has a strong attraction in the modern world. However, the collapse of communism, the Gulf war which saw Muslim countries fighting on both sides and the increasing influence of feminism in America and Western Europe detract considerably from its strength.

[2] This fragmentation has already occurred in Judaism, where Orthodox, Reform and Liberal Jews in the West worship at different synagogues praying from different prayer books and offering different interpretations of Jewish laws and customs. This has happened quite independently of the differences existing between traditional versions of Judaism.

Europe would still be compelled to participate in the construction of non-religious Muslim identities, which would make it possible for them and others to speak of 'cultural Muslims', 'the Muslim community', 'Muslim feminism' and 'the rights of Muslims'.

These two paths to increased fragmentation and secularization may not be mutually exclusive, but as regards the production of available Muslim identities they do represent two distinctive developments. The one foresees a 'liberalizing' of religious Islam from within to the point where fundamental freedoms, individualism and rationality, as conceived by Western secular discourses, are reconstructed so as to make sense within a religious framework of meaning. The other constructs an Islamic identity in other spheres than religion.[1]

[1] Neither of these should be confused with Islamic revolutions or the creation of Islamic states by fundamentalists, for these seek to expand religious doctrine to incorporate all secular institutions and disregard entirely the inherent contradictions involved in such an exercise.(See Arjomand,1989)

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